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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,336	12/17/1999	VINCENT CHING PING LI		8784

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EXAMINER

CUFF, MICHAEL A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/465,336

Applicant(s)

LI ET AL.

Examiner

Michael Cuff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Applicant's drawings and response have been considered and are acceptable.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim part 1(a) recites, "a plurality of bars", "each bar indicates", and "each interval has a bar". Claim part 1(b) recites, "employing a bar with the processor" and "said bar is divided into ...". Claim part 1d recites, "overlaying said first geometric figure onto said bar". The term "bar" is introduced without proper antecedent throughout the claims, thus rendering them unclear.

Claim part 1(C) recites "a price interval containing the highest trading activities – modal point". It is not clear how a price interval can be a point. See page 15 of the specification for the definition of "modal-point". For the purposes of examination, the examiner will use the price interval meaning.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Garcia (US 6,272,474).

Garcia teaches plotting of bars on a price-time chart (two-dimensional), with the Y-coordinate representing price and X-coordinate representing time. As can be best understood by the Examiner the claimed invention is taught by Garcia.

According to Garcia, the prices of XYZ stock are shown at 40. The high and low sale price during the 10 minute interval following the time indicated is depicted by line 41, the opening and closing prices during the 10 minute interval is depicted by rectangle 42. The volume traded during the interval is 44. The price scale is on the left (x-axis)

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and the volume scale is on the right. The x-axis represents time. Assuming that the current time is 1 1:15 AM, Figure 2 shows that during the time interval starting at 1 1:10, already over 8700 shares have been traded (column 5, lines 21-51).

Further, according to the invention disclosed by Garcia, trade information is received that includes the volume of each trade, the time of each trade, and the price of each trade (frequency distribution). The stock information and trade information are displayed on a display screen. By considering the display screen, traders are better able to determine trading patterns of the market makers in those selected stocks and increase their probability of buying low and selling high (column 5, line 55 to column 6, line 16). The stock information and trade information are received at a web site, and the traders who view the display screen are online traders having access to the Internet. It is the Examiner's position that the information is process via a processor at the web site that online traders have access to and can display on a computer screen. Therefore, Garcia teaches Applicant's presently claimed invention.

Response to Arguments

4. Applicant's arguments filed 7/2/04 have been fully considered but they are not persuasive.

Applicant asserts that Garcia does not disclose the limitation "representing on a computer display device each element of said set of intra-market elements by a first geometric figure onto said bar". The examiner does not concur. The Garcia reference shows all the limitations as best understood and as recited.

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The examiner detects a lack of communication in that applicant is not clearly claiming the differences between the cited prior art and the invention. For example, the extreme tail is claimed as "a continuous price ra[n]ge (please fix typo in claims) containing substantially low trading activities. There is no requirement to bold or separately indicate the tail as shown by applicant's invention. Note that the bars of Garcia contain this price range, it just does not bold it.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (703) 308-0610. The examiner can normally be reached on 8:00 to 5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Cuff 9/15/04
Michael Cuff
September 15, 2004